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## SENATE BILL No. 405

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-3.

**Synopsis:** Worker's compensation. Increases worker's compensation and occupational disease benefits. Increases compensation for permanent partial impairment.

**Effective:** July 1, 2007.

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**Mrvan**

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January 11, 2007, read first time and referred to Committee on Pensions and Labor.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 405

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 22-3-3-10, AS AMENDED BY P.L.134-2006,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 10. (a) With respect to injuries in the schedule set  
4       forth in subsection (d) occurring on and after July 1, 1979, and before  
5       July 1, 1988, the employee shall receive, in addition to temporary total  
6       disability benefits not to exceed fifty-two (52) weeks on account of the  
7       injury, a weekly compensation of sixty percent (60%) of the employee's  
8       average weekly wages, not to exceed one hundred twenty-five dollars  
9       (\$125) average weekly wages, for the period stated for the injury.  
10       (b) With respect to injuries in the schedule set forth in subsection  
11       (d) occurring on and after July 1, 1988, and before July 1, 1989, the  
12       employee shall receive, in addition to temporary total disability benefits  
13       not exceeding seventy-eight (78) weeks on account of the injury, a  
14       weekly compensation of sixty percent (60%) of the employee's average  
15       weekly wages, not to exceed one hundred sixty-six dollars (\$166)  
16       average weekly wages, for the period stated for the injury.  
17       (c) With respect to injuries in the schedule set forth in subsection

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(d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

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(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(g) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of

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an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (d)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

- (1) Amputation: For the loss by separation of the thumb, twelve
- (12) degrees of permanent impairment; of the index finger, eight
- (8) degrees of permanent impairment; of the second finger, seven
- (7) degrees of permanent impairment; of the third or ring finger,

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six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal

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vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(15) In all cases of permanent disfigurement which may impair

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the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;

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for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

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(9) With respect to injuries occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred ~~forty fifty~~ dollars ~~(\$1,340)~~ **(\$1,350)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred ~~forty-five fifty-seven~~ dollars ~~(\$1,545)~~ **(\$1,557)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred ~~seventy-five ninety-one~~ dollars ~~(\$2,475)~~ **(\$2,491)** per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred ~~fifty fourteen~~ dollars ~~(\$3,150)~~ **(\$3,114)** per degree.

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three four~~ hundred ~~sixty-five one~~ dollars ~~(\$1,365)~~ **(\$1,401)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five six~~ hundred ~~seventy sixteen~~ dollars ~~(\$1,570)~~ **(\$1,616)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred ~~twenty-five eighty-six~~ dollars ~~(\$2,525)~~ **(\$2,586)** per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred ~~thirty-three~~ dollars ~~(\$3,200)~~ **(\$3,233)** per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three four~~ hundred ~~eighty fifty-four~~ dollars ~~(\$1,380)~~ **(\$1,454)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five six~~ hundred ~~eighty-five seventy-eight~~ dollars ~~(\$1,585)~~ **(\$1,678)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred ~~eighty-five~~ dollars ~~(\$2,600)~~ **(\$2,685)** per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred ~~fifty-six~~ dollars ~~(\$3,300)~~ **(\$3,356)** per degree.

(12) With respect to injuries occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~four five~~ hundred ~~nine~~ dollars ~~(\$1,400)~~ **(\$1,509)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~six seven~~ hundred ~~forty-two~~ dollars ~~(\$1,600)~~ **(\$1,742)** per degree; for each degree of

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1 permanent impairment from thirty-six (36) to fifty (50), two  
 2 thousand seven hundred **eighty-seven** dollars (~~\$2,700~~) (**\$2,787**)  
 3 per degree; for each degree of permanent impairment above fifty  
 4 (50), three thousand ~~five~~ **four** hundred **eighty-four** dollars  
 5 (~~\$3,500~~) (**\$3,484**) per degree.

6 (k) The average weekly wages used in the determination of  
 7 compensation for permanent partial impairment under subsections (i)  
 8 and (j) shall not exceed the following:

9 (1) With respect to injuries occurring on or after July 1, 1991, and  
 10 before July 1, 1992, four hundred ninety-two dollars (\$492).

11 (2) With respect to injuries occurring on or after July 1, 1992, and  
 12 before July 1, 1993, five hundred forty dollars (\$540).

13 (3) With respect to injuries occurring on or after July 1, 1993, and  
 14 before July 1, 1994, five hundred ninety-one dollars (\$591).

15 (4) With respect to injuries occurring on or after July 1, 1994, and  
 16 before July 1, 1997, six hundred forty-two dollars (\$642).

17 (5) With respect to injuries occurring on or after July 1, 1997, and  
 18 before July 1, 1998, six hundred seventy-two dollars (\$672).

19 (6) With respect to injuries occurring on or after July 1, 1998, and  
 20 before July 1, 1999, seven hundred two dollars (\$702).

21 (7) With respect to injuries occurring on or after July 1, 1999, and  
 22 before July 1, 2000, seven hundred thirty-two dollars (\$732).

23 (8) With respect to injuries occurring on or after July 1, 2000, and  
 24 before July 1, 2001, seven hundred sixty-two dollars (\$762).

25 (9) With respect to injuries occurring on or after July 1, 2001, and  
 26 before July 1, 2002, eight hundred twenty-two dollars (\$822).

27 (10) With respect to injuries occurring on or after July 1, 2002,  
 28 and before July 1, 2006, eight hundred eighty-two dollars (\$882).

29 (11) With respect to injuries occurring on or after July 1, 2006,  
 30 and before July 1, 2007, nine hundred dollars (\$900).

31 (12) With respect to injuries occurring on or after July 1, 2007,  
 32 and before July 1, 2008, nine hundred ~~thirty~~ **thirty-four** dollars  
 33 (~~\$930~~) (**\$934**).

34 ~~(11)~~ **(13)** With respect to injuries occurring on or after July 1,  
 35 2008, and before July 1, 2009, nine hundred ~~fifty-four~~ **seventy**  
 36 dollars (~~\$954~~) (**\$970**).

37 ~~(12)~~ **(14)** With respect to injuries occurring on or after July 1,  
 38 2009, ~~nine hundred seventy-five~~ **and before July 1, 2010, one**  
 39 **thousand seven** dollars (~~\$975~~) (**\$1,007**).

40 **(15) With respect to injuries occurring on or after July 1,**  
 41 **2010, one thousand forty-five dollars (\$1,045).**

42 SECTION 2. IC 22-3-3-22, AS AMENDED BY P.L.134-2006,

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SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

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(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:
  - (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);
- (2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:
  - (A) not more than seven hundred two dollars (\$702); and

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- 1 (B) not less than seventy-five dollars (\$75);  
 2 (3) with respect to injuries occurring on and after July 1, 1999,  
 3 and before July 1, 2000:  
 4 (A) not more than seven hundred thirty-two dollars (\$732);  
 5 and  
 6 (B) not less than seventy-five dollars (\$75);  
 7 (4) with respect to injuries occurring on and after July 1, 2000,  
 8 and before July 1, 2001:  
 9 (A) not more than seven hundred sixty-two dollars (\$762); and  
 10 (B) not less than seventy-five dollars (\$75);  
 11 (5) with respect to injuries occurring on and after July 1, 2001,  
 12 and before July 1, 2002:  
 13 (A) not more than eight hundred twenty-two dollars (\$822);  
 14 and  
 15 (B) not less than seventy-five dollars (\$75);  
 16 (6) with respect to injuries occurring on and after July 1, 2002,  
 17 and before July 1, 2006:  
 18 (A) not more than eight hundred eighty-two dollars (\$882);  
 19 and  
 20 (B) not less than seventy-five dollars (\$75);  
 21 (7) with respect to injuries occurring on and after July 1, 2006,  
 22 and before July 1, 2007:  
 23 (A) not more than nine hundred dollars (\$900); and  
 24 (B) not less than seventy-five dollars (\$75);  
 25 (8) with respect to injuries occurring on and after July 1, 2007,  
 26 and before July 1, 2008:  
 27 (A) not more than nine hundred ~~thirty~~ **thirty-four** dollars  
 28 ~~(\$930); (\$934);~~ and  
 29 (B) not less than seventy-five dollars (\$75);  
 30 (9) with respect to injuries occurring on and after July 1, 2008,  
 31 and before July 1, 2009:  
 32 (A) not more than nine hundred ~~fifty-four~~ **seventy** dollars  
 33 ~~(\$954); (\$970);~~ and  
 34 (B) not less than seventy-five dollars (\$75); ~~and~~  
 35 (10) with respect to injuries occurring on and after July 1, 2009,  
 36 **and before July 1, 2010:**  
 37 (A) not more than ~~nine hundred seventy-five~~ **one thousand**  
 38 **seven** dollars ~~(\$975); (\$1,007);~~ and  
 39 (B) not less than seventy-five dollars (\$75); **and**  
 40 **(11) with respect to injuries occurring on and after July 1,**  
 41 **2010:**  
 42 (A) not more than one thousand forty-five dollars (\$1,045);

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1           **and**

2           **(B) not less than seventy-five dollars (\$75).**

3           However, the weekly compensation payable shall not exceed the  
4           average weekly wages of the employee at the time of the injury.

5           (k) With respect to any injury occurring on and after July 1, 1985,  
6           and before July 1, 1986, the maximum compensation, exclusive of  
7           medical benefits, which may be paid for an injury under any provisions  
8           of this law or any combination of provisions may not exceed  
9           eighty-nine thousand dollars (\$89,000) in any case.

10          (l) With respect to any injury occurring on and after July 1, 1986,  
11          and before July 1, 1988, the maximum compensation, exclusive of  
12          medical benefits, which may be paid for an injury under any provisions  
13          of this law or any combination of provisions may not exceed  
14          ninety-five thousand dollars (\$95,000) in any case.

15          (m) With respect to any injury occurring on and after July 1, 1988,  
16          and before July 1, 1989, the maximum compensation, exclusive of  
17          medical benefits, which may be paid for an injury under any provisions  
18          of this law or any combination of provisions may not exceed one  
19          hundred twenty-eight thousand dollars (\$128,000) in any case.

20          (n) With respect to any injury occurring on and after July 1, 1989,  
21          and before July 1, 1990, the maximum compensation, exclusive of  
22          medical benefits, which may be paid for an injury under any provisions  
23          of this law or any combination of provisions may not exceed one  
24          hundred thirty-seven thousand dollars (\$137,000) in any case.

25          (o) With respect to any injury occurring on and after July 1, 1990,  
26          and before July 1, 1991, the maximum compensation, exclusive of  
27          medical benefits, which may be paid for an injury under any provisions  
28          of this law or any combination of provisions may not exceed one  
29          hundred forty-seven thousand dollars (\$147,000) in any case.

30          (p) With respect to any injury occurring on and after July 1, 1991,  
31          and before July 1, 1992, the maximum compensation, exclusive of  
32          medical benefits, that may be paid for an injury under any provisions  
33          of this law or any combination of provisions may not exceed one  
34          hundred sixty-four thousand dollars (\$164,000) in any case.

35          (q) With respect to any injury occurring on and after July 1, 1992,  
36          and before July 1, 1993, the maximum compensation, exclusive of  
37          medical benefits, that may be paid for an injury under any provisions  
38          of this law or any combination of provisions may not exceed one  
39          hundred eighty thousand dollars (\$180,000) in any case.

40          (r) With respect to any injury occurring on and after July 1, 1993,  
41          and before July 1, 1994, the maximum compensation, exclusive of  
42          medical benefits, that may be paid for an injury under any provisions

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of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

(1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to an injury occurring on and after July 1, 2006, and before July 1, 2007, three hundred thousand dollars (\$300,000).

(8) With respect to an injury occurring on and after July 1, 2007, and before July 1, 2008, three hundred ~~ten~~ **eleven** thousand ~~four hundred thirty~~ **four hundred thirty** dollars ~~(\$310,000)~~: **(\$311,430)**.

(9) With respect to an injury occurring on and after July 1, 2008, and before July 1, 2009, three hundred ~~eighteen~~ **twenty-three** thousand ~~two hundred ninety-five~~ **two hundred ninety-five** dollars ~~(\$318,000)~~: **(\$323,295)**.

(10) With respect to an injury occurring on and after July 1, 2009, and before July 1, 2010, three hundred ~~twenty-five~~ **thirty-five** thousand ~~six hundred thirteen~~ **six hundred thirteen** dollars ~~(\$325,000)~~: **(\$335,613)**.

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1           **(11) With respect to an injury occurring on and after July 1,**  
 2           **2010, three hundred forty-eight thousand four hundred**  
 3           **dollars (\$348,400).**

4           SECTION 3. IC 22-3-7-16, AS AMENDED BY P.L.134-2006,  
 5           SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2007]: Sec. 16. (a) Compensation shall be allowed on account  
 7           of disablement from occupational disease resulting in only temporary  
 8           total disability to work or temporary partial disability to work  
 9           beginning with the eighth day of such disability except for the medical  
 10          benefits provided for in section 17 of this chapter. Compensation shall  
 11          be allowed for the first seven (7) calendar days only as provided in this  
 12          section. The first weekly installment of compensation for temporary  
 13          disability is due fourteen (14) days after the disability begins. Not later  
 14          than fifteen (15) days from the date that the first installment of  
 15          compensation is due, the employer or the employer's insurance carrier  
 16          shall tender to the employee or to the employee's dependents, with all  
 17          compensation due, a properly prepared compensation agreement in a  
 18          form prescribed by the board. Whenever an employer or the employer's  
 19          insurance carrier denies or is not able to determine liability to pay  
 20          compensation or benefits, the employer or the employer's insurance  
 21          carrier shall notify the worker's compensation board and the employee  
 22          in writing on a form prescribed by the worker's compensation board not  
 23          later than thirty (30) days after the employer's knowledge of the  
 24          claimed disablement. If a determination of liability cannot be made  
 25          within thirty (30) days, the worker's compensation board may approve  
 26          an additional thirty (30) days upon a written request of the employer or  
 27          the employer's insurance carrier that sets forth the reasons that the  
 28          determination could not be made within thirty (30) days and states the  
 29          facts or circumstances that are necessary to determine liability within  
 30          the additional thirty (30) days. More than thirty (30) days of additional  
 31          time may be approved by the worker's compensation board upon the  
 32          filing of a petition by the employer or the employer's insurance carrier  
 33          that sets forth:

- 34           (1) the extraordinary circumstances that have precluded a
- 35           determination of liability within the initial sixty (60) days;
- 36           (2) the status of the investigation on the date the petition is filed;
- 37           (3) the facts or circumstances that are necessary to make a
- 38           determination; and
- 39           (4) a timetable for the completion of the remaining investigation.

40          An employer who fails to comply with this section is subject to a civil  
 41          penalty of fifty dollars (\$50), to be assessed and collected by the board  
 42          upon notice and hearing. Civil penalties collected under this section

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1 shall be deposited in the state general fund.

2 (b) Once begun, temporary total disability benefits may not be  
3 terminated by the employer unless:

4 (1) the employee has returned to work;

5 (2) the employee has died;

6 (3) the employee has refused to undergo a medical examination  
7 under section 20 of this chapter;

8 (4) the employee has received five hundred (500) weeks of  
9 temporary total disability benefits or has been paid the maximum  
10 compensation allowable under section 19 of this chapter; or

11 (5) the employee is unable or unavailable to work for reasons  
12 unrelated to the compensable disease.

13 In all other cases the employer must notify the employee in writing of  
14 the employer's intent to terminate the payment of temporary total  
15 disability benefits, and of the availability of employment, if any, on a  
16 form approved by the board. If the employee disagrees with the  
17 proposed termination, the employee must give written notice of  
18 disagreement to the board and the employer within seven (7) days after  
19 receipt of the notice of intent to terminate benefits. If the board and  
20 employer do not receive a notice of disagreement under this section,  
21 the employee's temporary total disability benefits shall be terminated.  
22 Upon receipt of the notice of disagreement, the board shall immediately  
23 contact the parties, which may be by telephone or other means and  
24 attempt to resolve the disagreement. If the board is unable to resolve  
25 the disagreement within ten (10) days of receipt of the notice of  
26 disagreement, the board shall immediately arrange for an evaluation of  
27 the employee by an independent medical examiner. The independent  
28 medical examiner shall be selected by mutual agreement of the parties  
29 or, if the parties are unable to agree, appointed by the board under  
30 IC 22-3-4-11. If the independent medical examiner determines that the  
31 employee is no longer temporarily disabled or is still temporarily  
32 disabled but can return to employment that the employer has made  
33 available to the employee, or if the employee fails or refuses to appear  
34 for examination by the independent medical examiner, temporary total  
35 disability benefits may be terminated. If either party disagrees with the  
36 opinion of the independent medical examiner, the party shall apply to  
37 the board for a hearing under section 27 of this chapter.

38 (c) An employer is not required to continue the payment of  
39 temporary total disability benefits for more than fourteen (14) days  
40 after the employer's proposed termination date unless the independent  
41 medical examiner determines that the employee is temporarily disabled  
42 and unable to return to any employment that the employer has made

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1 available to the employee.

2 (d) If it is determined that as a result of this section temporary total  
3 disability benefits were overpaid, the overpayment shall be deducted  
4 from any benefits due the employee under this section and, if there are  
5 no benefits due the employee or the benefits due the employee do not  
6 equal the amount of the overpayment, the employee shall be  
7 responsible for paying any overpayment which cannot be deducted  
8 from benefits due the employee.

9 (e) For disablements occurring on and after July 1, 1976, from  
10 occupational disease resulting in temporary total disability for any work  
11 there shall be paid to the disabled employee during the temporary total  
12 disability weekly compensation equal to sixty-six and two-thirds  
13 percent (66 2/3%) of the employee's average weekly wages, as defined  
14 in section 19 of this chapter, for a period not to exceed five hundred  
15 (500) weeks. Compensation shall be allowed for the first seven (7)  
16 calendar days only if the disability continues for longer than twenty-one  
17 (21) days.

18 (f) For disablements occurring on and after July 1, 1974, from  
19 occupational disease resulting in temporary partial disability for work  
20 there shall be paid to the disabled employee during such disability a  
21 weekly compensation equal to sixty-six and two-thirds percent (66  
22 2/3%) of the difference between the employee's average weekly wages,  
23 as defined in section 19 of this chapter, and the weekly wages at which  
24 the employee is actually employed after the disablement, for a period  
25 not to exceed three hundred (300) weeks. Compensation shall be  
26 allowed for the first seven (7) calendar days only if the disability  
27 continues for longer than twenty-one (21) days. In case of partial  
28 disability after the period of temporary total disability, the latter period  
29 shall be included as a part of the maximum period allowed for partial  
30 disability.

31 (g) For disabilities occurring on and after July 1, 1979, and before  
32 July 1, 1988, from occupational disease in the schedule set forth in  
33 subsection (j), the employee shall receive in addition to disability  
34 benefits, not exceeding fifty-two (52) weeks on account of the  
35 occupational disease, a weekly compensation of sixty percent (60%) of  
36 the employee's average weekly wages, not to exceed one hundred  
37 twenty-five dollars (\$125) average weekly wages, for the period stated  
38 for the disabilities.

39 (h) For disabilities occurring on and after July 1, 1988, and before  
40 July 1, 1989, from occupational disease in the schedule set forth in  
41 subsection (j), the employee shall receive in addition to disability  
42 benefits, not exceeding seventy-eight (78) weeks on account of the

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1 occupational disease, a weekly compensation of sixty percent (60%) of  
 2 the employee's average weekly wages, not to exceed one hundred  
 3 sixty-six dollars (\$166) average weekly wages, for the period stated for  
 4 the disabilities.

5 (i) For disabilities occurring on and after July 1, 1989, and before  
 6 July 1, 1990, from occupational disease in the schedule set forth in  
 7 subsection (j), the employee shall receive in addition to disability  
 8 benefits, not exceeding seventy-eight (78) weeks on account of the  
 9 occupational disease, a weekly compensation of sixty percent (60%) of  
 10 the employee's average weekly wages, not to exceed one hundred  
 11 eighty-three dollars (\$183) average weekly wages, for the period stated  
 12 for the disabilities.

13 (j) For disabilities occurring on and after July 1, 1990, and before  
 14 July 1, 1991, from occupational disease in the following schedule, the  
 15 employee shall receive in addition to disability benefits, not exceeding  
 16 seventy-eight (78) weeks on account of the occupational disease, a  
 17 weekly compensation of sixty percent (60%) of the employee's average  
 18 weekly wages, not to exceed two hundred dollars (\$200) average  
 19 weekly wages, for the period stated for the disabilities.

20 (1) Amputations: For the loss by separation, of the thumb, sixty  
 21 (60) weeks; of the index finger, forty (40) weeks; of the second  
 22 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
 23 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the  
 24 hand by separation below the elbow, two hundred (200) weeks; of  
 25 the arm above the elbow joint, two hundred fifty (250) weeks; of  
 26 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
 27 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
 28 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
 29 the knee joint, one hundred fifty (150) weeks; and of the leg  
 30 above the knee joint, two hundred (200) weeks. The loss of more  
 31 than one (1) phalange of a thumb or toe shall be considered as the  
 32 loss of the entire thumb or toe. The loss of more than two (2)  
 33 phalanges of a finger shall be considered as the loss of the entire  
 34 finger. The loss of not more than one (1) phalange of a thumb or  
 35 toe shall be considered as the loss of one-half (1/2) of the thumb  
 36 or toe and compensation shall be paid for one-half (1/2) of the  
 37 period for the loss of the entire thumb or toe. The loss of not more  
 38 than two (2) phalanges of a finger shall be considered as the loss  
 39 of one-half (1/2) the finger and compensation shall be paid for  
 40 one-half (1/2) of the period for the loss of the entire finger.

41 (2) Loss of Use: The total permanent loss of the use of an arm,  
 42 hand, thumb, finger, leg, foot, toe, or phalange shall be considered

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as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring

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on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (1) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than

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two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6),

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1 compensation shall be paid in an amount proportionate to the  
2 degree of a permanent reduction.

3 (13) In all other cases of permanent partial impairment,  
4 compensation proportionate to the degree of a permanent partial  
5 impairment, in the discretion of the worker's compensation board,  
6 not exceeding one hundred (100) degrees of permanent  
7 impairment.

8 (14) In all cases of permanent disfigurement which may impair  
9 the future usefulness or opportunities of the employee,  
10 compensation, in the discretion of the worker's compensation  
11 board, not exceeding forty (40) degrees of permanent impairment  
12 except that no compensation shall be payable under this  
13 subdivision where compensation is payable elsewhere in this  
14 section.

15 (l) With respect to disablements occurring on and after July 1, 1991,  
16 compensation for permanent partial impairment shall be paid according  
17 to the degree of permanent impairment for the disablement determined  
18 under subsection (k) and the following:

19 (1) With respect to disablements occurring on and after July 1,  
20 1991, and before July 1, 1992, for each degree of permanent  
21 impairment from one (1) to thirty-five (35), five hundred dollars  
22 (\$500) per degree; for each degree of permanent impairment from  
23 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per  
24 degree; for each degree of permanent impairment above fifty (50),  
25 one thousand five hundred dollars (\$1,500) per degree.

26 (2) With respect to disablements occurring on and after July 1,  
27 1992, and before July 1, 1993, for each degree of permanent  
28 impairment from one (1) to twenty (20), five hundred dollars  
29 (\$500) per degree; for each degree of permanent impairment from  
30 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
31 per degree; for each degree of permanent impairment from  
32 thirty-six (36) to fifty (50), one thousand three hundred dollars  
33 (\$1,300) per degree; for each degree of permanent impairment  
34 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
35 degree.

36 (3) With respect to disablements occurring on and after July 1,  
37 1993, and before July 1, 1997, for each degree of permanent  
38 impairment from one (1) to ten (10), five hundred dollars (\$500)  
39 per degree; for each degree of permanent impairment from eleven  
40 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
41 each degree of permanent impairment from twenty-one (21) to  
42 thirty-five (35), one thousand dollars (\$1,000) per degree; for

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each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1,

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2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred ~~forty fifty~~ dollars (~~\$1,340~~) **(\$1,350)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred ~~forty-five fifty-seven~~ dollars (~~\$1,545~~) **(\$1,557)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred ~~seventy-five ninety-one~~ dollars (~~\$2,475~~) **(\$2,491)** per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred ~~fifty fourteen~~ dollars (~~\$3,150~~) **(\$3,114)** per degree.

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three four~~ hundred ~~sixty-five one~~ dollars (~~\$1,365~~) **(\$1,401)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five six~~ hundred ~~seventy sixteen~~ dollars (~~\$1,570~~) **(\$1,616)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred ~~twenty-five eighty-six~~ dollars (~~\$2,525~~) **(\$2,586)** per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred ~~thirty-three~~ dollars (~~\$3,200~~) **(\$3,233)** per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three four~~ hundred ~~eighty fifty-four~~ dollars (~~\$1,380~~) **(\$1,454)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five six~~ hundred ~~eighty-five seventy-eight~~ dollars (~~\$1,585~~) **(\$1,678)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred ~~eighty-five~~ dollars (~~\$2,600~~) **(\$2,685)**

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per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred **fifty-six** dollars ~~(\$3,300)~~ **(\$3,356)** per degree.

(12) With respect to disablements occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~four~~ **five** hundred **nine** dollars ~~(\$1,400)~~ **(\$1,509)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~six~~ **seven** hundred **forty-two** dollars ~~(\$1,600)~~ **(\$1,742)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred **eighty-seven** dollars ~~(\$2,700)~~ **(\$2,787)** per degree; for each degree of permanent impairment above fifty (50), three thousand ~~five~~ **four** hundred **eighty-four** dollars ~~(\$3,500)~~ **(\$3,484)** per degree.

(m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (k) and (l) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002,

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and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred ~~thirty~~ **thirty-four** dollars ~~(\$930): (\$934).~~

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred ~~fifty-four~~ **seventy** dollars ~~(\$954): (\$970).~~

(14) With respect to injuries occurring on or after July 1, 2009, ~~nine hundred seventy-five~~ **and before July 1, 2010, one thousand seven** dollars ~~(\$975): (\$1,007).~~

**(15) With respect to injuries occurring on or after July 1, 2010, one thousand forty-five dollars (\$1,045).**

(n) If any employee, only partially disabled, refuses employment suitable to the employee's capacity procured for the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by

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an occupational disease shall be considered as a permanent impairment or physical condition.

(p) If an employee suffers a disablement from an occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(q) If an employee receives a permanent disability from an occupational disease such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(t) When so provided in the compensation agreement or in the

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award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(w) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee.

SECTION 4. IC 22-3-7-19, AS AMENDED BY P.L.134-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before

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July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

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(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732);

and

(B) not less than seventy-five dollars (\$75);

(4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822);

and

(B) not less than seventy-five dollars (\$75);

(6) with respect to disablements occurring on and after July 1, 2002, and before July 1, 2006:

(A) not more than eight hundred eighty-two dollars (\$882);

and

(B) not less than seventy-five dollars (\$75);

(7) with respect to disablements occurring on and after July 1, 2006, and before July 1, 2007:

(A) not more than nine hundred dollars (\$900); and

(B) not less than seventy-five dollars (\$75);

(8) with respect to disablements occurring on and after July 1, 2007, and before July 1, 2008:

(A) not more than nine hundred ~~thirty~~ **thirty-four** dollars ~~(\$930);~~ **(\$934);** and

(B) not less than seventy-five dollars (\$75);

(9) with respect to disablements occurring on and after July 1, 2008, and before July 1, 2009:

(A) not more than nine hundred ~~fifty-four~~ **seventy** dollars ~~(\$954);~~ **(\$970);** and

(B) not less than seventy-five dollars (\$75);

(10) with respect to disablements occurring on and after July 1,

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2009, and before July 1, 2010:

(A) not more than ~~nine hundred seventy-five one thousand seven~~ dollars (~~\$975~~); **(\$1,007)**; and

(B) not less than seventy-five dollars (\$75); and

**(11) with respect to disablements occurring on and after July 1, 2010:**

**(A) not more than one thousand forty-five dollars (\$1,045); and**

**(B) not less than seventy-five dollars (\$75).**

(k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and before July 1, 1993, that shall

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be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

(1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to disability or death occurring on and after July 1, 2006, and before July 1, 2007, three hundred thousand dollars (\$300,000).

(8) With respect to disability or death occurring on and after July 1, 2007, and before July 1, 2008, three hundred ~~ten~~ eleven

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thousand **four hundred thirty** dollars (~~\$310,000~~). **(\$311,430)**.

(9) With respect to disability or death occurring on and after July 1, 2008, and before July 1, 2009, three hundred ~~eighteen~~ **twenty-three** thousand **two hundred ninety-five** dollars (~~\$318,000~~). **(\$323,295)**.

(10) With respect to disability or death occurring on or after July 1, 2009, **and before July 1, 2010**, three hundred ~~twenty-five~~ **thirty-five** thousand **six hundred thirteen** dollars (~~\$325,000~~). **(\$335,613)**.

**(11) With respect to disability or death occurring on or after July 1, 2010, three hundred forty-eight thousand four hundred dollars (\$348,400).**

(u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total

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1 disability resulting from a disablement occurring on or after January 1,  
2 1998, the minimum total benefit shall not be less than seventy-five  
3 thousand dollars (\$75,000).

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